

Egremont Planning Board Minutes July 23, 2020

Call to Order: 10:04 AM

Present via Zoom: Jared Kelly, Eddie Regendahl, Nick Keene, Matthew Bersani, Donna Gordon

Citizens in Attendance: Marj Wexler, Noah Kushlefsky, Susan Obel, Rick Ramsay, Al Thorp, Robert's I Pad, Ken Gogel, George McGurn, Marshall Bouton, Barbara Bouton, Lucinda Vermeulen, Eileen Vining, Mary McGurn, Steve Ide, Eileen Breindel, Alan Breindel, Marilyn Derector, Linda Noonan, Bob Noonan, Joan Goodkind, Tom McMahon, Rich Montone, Abigail Rogers-McKee, Sam (?) a citizen by phone.

Chairperson Kelly announced that the official record of this meeting is being recorded and being kept by written minutes.

Minutes: July 7, 2020 minutes were adopted with minor edits.

Form A's:

Linda and Bob Noonan residing at 19 Pinecrest Hill Road, submitted a Form A for an "Approval Not Required" (ANR) endorsement by the Planning Board for a subdivision. The Noonan's objective is to divide their property into two parcels and donate the smaller parcel to the Egremont Land Trust. The Noonan's engineer, Al Thorp presented the survey and provided the technical rationale for not requiring a Special Permit. The application and fees were delivered to Town Hall. The Planning Board expressed their gratitude to the Noonan's for their generous gift to the town. Chairperson Kelly made a motion to approve the ANR. The **Motion was unanimously approved.** The Planning Board members have been instructed to visit Town Hall where legal documents will be available to sign.

Inquiry: Modification of existing use

Kate and Sam (?) requested guidance from the Board to explore the steps needed to alter the use of the First Congregational Church to a multi-family residence. Due to the potential of non-conforming lot issues requiring a Special Permit, Chairperson Kelly offered guidance and directed them to the proper town Boards and departments to get started.

Mail:

- Great Barrington Notice to Abutters of a Public Hearing on Monday August 10, 2020 at 6:30 pm, to act on the Special Permit application from Berkshire Aviation Enterprises, Inc for an aviation field in an R4 zone at the Walter Koladza Airport, 70 Egremont Plain Rd, Great Barrington.

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- Great Barrington Notice to Abutters of a Public Hearing on Monday, August 10, 2020 at 6:00 pm, to act on the Special Permit application from Guido's Realty, Inc. 1020 South Street, Pittsfield for a construction of a large scale commercial development. Includes expansion of existing Guido's retail store at 760 Main Street, Great Barrington.
- Great Barrington Notice of a Decision on Special Permit granted to Terry Coughlin for a freestanding sign in a residential zone at 98 Division Street Great Barrington.
- With regards to the proposed dispensary at 195 Hillsdale Road, the Planning Board received 19 individual letters of opposition from citizens as well a document entitled: "Egremont Residents' Points of Concern and Needs for Clarification Regarding the Possibility of a Recreational Marijuana Retail Facility at 195 Hillsdale Road, or Thereabouts-Just 2020". A petition signed by 187 concerned citizens was attached.

Citizen's Time:

Overview: The predominant theme for citizens present at today's meeting was concerns/questions regarding how and if a proposed new Marijuana Bylaw would impact the proposed marijuana dispensary at 195 Hillsdale Road.

- Marshall Bouton sought information on the progress of a Marijuana Bylaw in Egremont. Chairperson Kelly responded that due to the changes in the Board composition and the loss of member Helen Krancer, the Board will need to revisit drafting a Marijuana Bylaw which will be a priority on all future agendas. It is the Board's desire to move things forward in an expeditious and prudent manner.
- Regarding the proposed dispensary at 195 Hillsdale Road, Chairperson Kelly stated the Board does not currently have an application for that site. The Board discussed whether any new Bylaw created would apply retroactively to ME's currently licensed to do business.
- Mary McGurn described the timeline and legal process for approval of a new Bylaw.
- A discussion ensued on what language might constitute a conflict with the state's Marijuana statutes. Further research is needed regarding whether a Ballot vote is warranted in certain instances around regulation/banning.
- Alan Breindel asked if our current Medical Marijuana bylaw is a starting point and wondered if adult use marijuana would be more restrictive. Chairperson Kelly suggested our new Bylaw would be comprehensive incorporating medical and adult use marijuana.
- With regard to capping retail marijuana establishments in Egremont, Rick Ramsey brought up the Cannabis Control Commission's (CCC) recommendation that retail marijuana shops can be limited to 20% of the town's liquor licenses. This led to a

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- discussion about liquor take-out versus liquor dine-in licenses and what number that 20% would be based on. The issue will be further researched.
- Ken Gogel provided an overview of a recent BOS meeting regarding 195 Hillsdale Road.
- Marshall Bouton questioned whether the Planning Board has the discretion to not entertain a possible Host agreement due to writing Bylaws.
- Eileen Breindel questioned why we didn't overlay adult use marijuana over medical marijuana.
- Matthew Bersani volunteered to take the lead in drafting a Marijuana Bylaw. Donna Gordon offered to assist.

Discussion of potential regulation of Marijuana Establishments

Board members agreed to offer their preliminary thoughts around regulation of the eight marijuana licenses available. While new Board members are still getting up to speed on the complexities of the various licenses and the state's statutes, the consensus was the Planning Board was in favor of drafting legislation for all license types.

The first discussion of the eight license types and initial thoughts subject to modification.

- 1) **Marijuana Cultivators:** All members agreed to regulation around set backs, scope and size. In addition, distinguishing between outdoor and indoor grow facilities with attention to regulating light and if possible, odor pollution.
- 2) **Craft Cooperatives:** The consensus was in favor of a license with regulation but more information is needed.
- 3) **Marijuana Product Manufacturer:** Discussion: Egremont does not allow for manufacturing industries. Further guidance is requested as to whether we can limit manufacturing to marijuana without opening the door to other types of manufacturing.
- 4) **Marijuana Retailer:** All agreed to regulation around location, size, set backs, etc., and to continue discussion on whether we want a cap on MRs. To offer guidance, Mary McGurn read the CCC's "Guidance for Municipalities", section on "Banning or Limiting the Number of Marijuana Establishments."
- 5) **Marijuana Transporter:** Further information requested to understand scope of license.
- 6) **Marijuana Research Facility:** All agreed with regulations
- 7) **Laboratories:** Need more information
- 8) **Microbusiness:** All in favor with regulations

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Draft ADU Bylaw recap and review:

Due to time constraints, Chairperson Kelly gave a quick overview of the two ADU Bylaws; one drafted by the Planning Board with the collaboration of the Housing Committee, and the other drafted by citizen Richard Allen. Joan Goodkind, Chairwoman of the Housing Committee spoke to some of the differences between the two proposed Bylaws. The Board will revisit at the next meeting and discuss asking the BOS to set a date for an informational meeting to the community. The question of whether to present a Marijuana Bylaw at the same informational meeting was raised and will be explored.

Next Meeting: Tuesday, August 4, 2020, 10:00 AM

Meeting Adjourned: 12:30 PM

Respectfully submitted,
Donna B. Gordon, Clerk
July 27, 2020